

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM GENTRY FRISKE, JR.,

Plaintiff,

No. 07-CV-13747-DT

vs.

Hon. Gerald E. Rosen

WARDEN SCUTT, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 24, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This prisoner civil rights matter having come before the Court on the February 2, 2009 Report and Recommendation of United States Magistrate Judge Michael Hluchaniuk recommending that Defendants' Motion for Summary Judgment be granted and Plaintiff's Rule 54(b) Motion for Judgment be denied; and Plaintiff having timely filed objections to the Magistrate Judge's R & R; and the having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's objections, and the Court's entire file of this matter, having determined that the relief requested by Defendants should be granted, and being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's February 2, 2009 Report and Recommendation [**Dkt # 65**] is adopted by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Defendants' Motion for Summary Judgment [**Dkt. # 25**] is GRANTED and Plaintiff's Rule 54(b) Motion for Judgment [**Dkt. # 51**] is DENIED.

In light of the foregoing,

IT IS FURTHER ORDERED that Plaintiff's Complaint is DISMISSED in its entirety, with prejudice. Plaintiff's December 18, 2009 (Second) Motion to Amend Complaint [**Dkt. # 59**], therefore, is DENIED as MOOT.

Let Judgment be entered accordingly.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 24, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 24, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager